

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Ray Edward Chestnut, a.k.a. Raymond)	C/A No.: 1:13-2249-RBH-SVH
Edward Chestnut,)	
)	
Petitioner,)	
)	
vs.)	ORDER
)	
J. Thomas, Warden,)	
)	
Respondent.)	
)	

This is an action seeking habeas corpus relief under 28 U.S.C. § 2254. Petitioner is a prisoner. Therefore, in the event that a limitations issue arises, Petitioner shall have the benefit of the holding in *Houston v. Lack*, 487 U.S. 266 (1988) (prisoner's pleading was filed at the moment of delivery to prison authorities for forwarding to District Court). Under Local Civil Rule 73.02(B)(2)(c) (D.S.C.), pretrial proceedings in this action have been referred to the assigned United States Magistrate Judge.

By order issued on August 29, 2013, the court provided Petitioner an opportunity to submit the documents necessary to bring this case into proper form. [Entry #7]. Petitioner has complied with the order and this case is now in proper form.

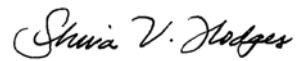
PAYMENT OF THE FILING FEE:

Petitioner requests to proceed without prepaying the filing fee by filing an Application to Proceed in District Court Without Prepaying Fees or Costs (Form AO240), which is construed as a Motion for Leave to Proceed *in forma pauperis*. Based on a review of Petitioner's Motion for Leave to Proceed *in forma pauperis*, it is granted. [Entry #9].

TO THE CLERK OF COURT:

The Clerk of Court shall not serve the § 2254 petition upon the respondent because the petition is subject to dismissal.

IT IS SO ORDERED.



September 25, 2013
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge